

1 THE HONORABLE BRIAN D. LYNCH
2 CHAPTER 13
3 HEARING DATE: June 2, 2015
4 HEARING TIME: 1:00 P.M.
5 LOCATION: Vancouver, Washington
6 RESPONSE DATE: May 26, 2015

7 IN THE UNITED STATES BANKRUPTCY COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON AT TACOMA

9 In Re:

Case No. 14-45389-BDL

10 SAVUTH PENN,

NOTICE OF AND MOTION FOR DISMISSAL
PURSUANT TO 11 U.S.C. § 1307(c)

11
12 Debtor.

13 NOTICE

14 **YOU ARE HEREBY NOTIFIED** that a hearing on Trustee's Motion to Dismiss will be
15 heard before the Honorable Brian D. Lynch at **1:00 p.m. on June 2, 2015**, at the Vancouver
16 Federal Building, 500 West 12th, 2nd Floor, Vancouver, Washington, 98660.

17 **IF YOU OPPOSE** this motion, you must file your written response with the Court Clerk
18 and deliver copies on the undersigned and all interested parties, NOT LATER THAN THE
19 RESPONSE DATE, which is **May 26, 2015**. You should also appear at the time of hearing. If
20 you fail to do so, the Court may enter an order granting the motion without any hearing and
21 without further notice.

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David M. Howe
Chapter 13 Trustee
1551 Broadway, Suite 600
Tacoma, WA 98402
Notice and Motion for Dismissal - 1
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MOTION

COMES NOW David M. Howe the standing Chapter 13 Trustee and alleges as follows:

1. The debtor filed this case on October 3, 2014; the case was confirmed by order of the Court on **March 3, 2015**.
2. Pursuant to the confirmed plan, the debtor is required to make plan payments of **\$1,433.00** per month; Debtor is presently delinquent in plan payments in the amount of **\$4,299.00**, supported by the Declaration filed herewith.
3. The debtor has otherwise defaulted under the terms of the Plan as follows: 1307(c)(1) unreasonable delay by the debtors that is prejudicial to the creditors, 1307(c)(6) failure to remit plan payments.

WHEREFORE the Trustee prays that this case be dismissed and closed.

DATED this 17th day of April, 2015.



Michael G. Malaier, WSBA #34729
Staff Attorney to
David M. Howe, Chapter 13 Trustee

CERTIFICATE OF MAILING

I certify under penalty of perjury under the laws of the United States that on April 17, 2015, I caused to be mailed via regular mail a true and correct copy of the Trustee's Motion to Dismiss, Declaration in Support, and Notice of Hearing to the following:

Savuth Penn
1550 Granada Ave N, Apt 204
Oakdale, MN 55128

Savuth Penn
1955 Maryland Ave E
St Paul, MN 55119

Richard Ross, Attorney
1610 Columbia St
Vancouver, WA 98660

The following parties received Notice and Motion for Dismissal via ECF:

- Matthew JP Johnson ECF@resolvedebt.net
- Richard S Ross ecf@resolvedebt.net
- United States Trustee USTPRegion18.SE.ECF@usdoj.gov

DATED this 17th day of April, 2015 at Tacoma, Washington.

/s/ Elizabeth Costanti
Elizabeth Costanti
Case Administrator to
David M. Howe, Chapter 13 Trustee